

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:	:	CHAPTER 13
CRAIG BRADLEY DEIMLER and	:	
WILLIAM OLIVER FISHER-	:	CASE NO. 1:20-bk-00841-HWV
DEIMLER,	:	
Debtors	:	
	:	
MID PENN BANK	:	
Movant	:	
	:	
vs.	:	
	:	
CRAIG BRADLEY DEIMLER and	:	
WILLIAM OLIVER FISHER-	:	
DEIMLER	:	
Respondents	:	
	:	
and	:	
	:	
CHARLES J. DEHART, III, Esq.,	:	
Trustee	:	

OBJECTION OF MID PENN BANK
TO SECOND AMENDED CHAPTER 13 PLAN

COMES NOW, the Movant, Mid Penn Bank (“Mid Penn”), by and through its attorneys, Schiffman, Sheridan & Brown, P.C., and objects to the confirmation of the above-referenced Debtors’ plan for the following reason(s):

1. Debtors personally guaranteed two loans made with Mid Penn:
 - A. a loan made to BFCD Properties, LLC (“BFCD”), on August 28, 2014 (*see* Claim No. 39);

- B. a loan made to GCD Construction, Inc. (“GCD”), on October 30, 2017 (*see* Claim No. 40).
2. As to Debtors personally, Mid Penn’s claims arise from guarantees and are unsecured; Debtors cannot use their Plan to reclassify Mid Penn’s claims as secured. *See* 11 U.S.C. § 502.
3. To the extent Mid Penn cannot recover from BFCD and/or GCD, Mid Penn is entitled to recover the same as any other unsecured creditor filing a valid proof of claim (*see* 11 U.S.C. § 1325(b)(1)(B)); it is therefore improper to designate that payment will not be made through the Plan but by a third party (BFCD).

WHEREFORE, Mid Penn Bank respectfully requests this Honorable Court sustain its objection and deny Debtors’ Second Amended Chapter 13 Plan.

Respectfully submitted,

SCHIFFMAN, SHERIDAN & BROWN, P.C.

Date: February 18, 2021

By: /s/ Bret P. Shaffer
Bret P. Shaffer, Esquire
2080 Linglestown Road, Suite 201
Harrisburg, PA 17110
(717) 540-9170 Telephone
(717) 540-5481 Facsimile
bshaffer@ssbc-law.com

Attorneys for Mid Penn Bank

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the within Objection by electronically notifying the following parties:

Dorothy Mott, Esquire
Kara Gendron, Esquire
125 State Street
Harrisburg PA 17101

Charles J. DeHart, III, Esquire
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown PA 17036

SCHIFFMAN, SHERIDAN & BROWN, P.C.

Date: February 18, 2021

By: /s/ Bret P. Shaffer
Attorneys for Mid Penn Bank